

UNITED STATES DISTRICT COURT
FOR THE
SOUTHERN DISTRICT OF NEW YORK

ROSE SAVIO as administratrix of the Estate of)
Caitlyn R. Savio, deceased, and ROSE SAVIO, as an)
Individual)
) Civ. Action No.:
Plaintiffs,) 7:13-cv-05606 (NSR)
)
-against-)
KAITLYN M. DELPOZZO, LOUIS V. DELPOZZO,)
FRANCINE DELPOZZO, MATTHEW DELPOZZO,)
NISSAN MOTOR CO., LTD., NISSAN NORTH)
AMERICA, INC. and MOTORS GROUP, INC.,)
)
Defendants,)

PARTIAL

NOTICE OF VOLUNTARY DISMISSAL
PURSUANT TO RULE 41(a)

PLEASE TAKE NOTICE that pursuant to Federal Rule of Civil Procedure 41(a)(1), the plaintiffs ROSE SAVIO as administratrix of the Estate of Caitlyn R. Savio, deceased, and ROSE SAVIO, as an individual, hereby give notice of their voluntary dismissal without prejudice of their claims against the defendants KAITLYN M. DELPOZZO, LOUIS V. DELPOZZO, FRANCINE DELPOZZO and MATTHEW DELPOZZO only.

Copies of the summons and complaint have not been served upon the defendants KAITLYN M. DELPOZZO, LOUIS V. DELPOZZO, FRANCINE DELPOZZO and MATTHEW DELPOZZO (hereinafter collectively "DELPOZZOS") because a settlement of the claims against the DELPOZZOs are pending the issuance of a compromise order from the Surrogate's Court for the State of New York, County of Putnam. Consequently, the DELPOZZOs have not served either an Answer or a motion for summary judgment.

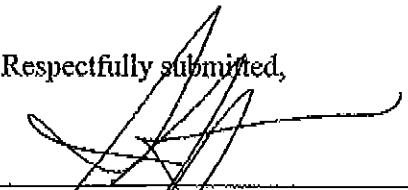
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Additionally, the defendants NISSAN MOTOR CO., LTD., NISSAN NORTH AMERICA, INC. and MOTORS GROUP, INC. have not served either an Answer or a motion for summary judgment.

PLEASE TAKE FURTHER NOTICE that this dismissal does not extend to the plaintiffs' claims against the defendants NISSAN MOTOR CO., LTD., NISSAN NORTH AMERICA, INC. and MOTORS GROUP, INC.

Dated: Yorktown Heights, New York
January 3, 2014

Respectfully submitted,



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So Ordered:

January 7, 2014
White Plains, NY



U.S.D.J.
Nelson S. Roman

1/7/2014